

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1747 of 1991

with

SPECIAL CIVIL APPLICATION No.1884 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

SHOBHANABEN NATWARLAL DHAKAN

Versus

DIST EDUCATION OFFICER

Appearance:

MR MM PARMAR for MR NR TANDEL for Petitioners in
both these petitions.

MR HH PATEL, AGP for Respondents

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 18/08/2000

COMMON ORAL JUDGEMENT

These two petitions raise points similar to those
raised in Special Civil Application No.6129/1990 and
other cognate matters, which were disposed of by
judgement and order dated 28-7-2000. These two matters

were in that group. However, since the Learned Counsel, Mr.N.R. Tandel, was not well, they were not taken up. Today, Mr M.M.Parmar appears for the Learned Counsel, Mr.N.R. Tandel, and points out that these petitions are similar to the matters, which have already been decided and, therefore, an order similar to the one already made may also be made in these two petitions. For the reasons, which have been stated in the judgement dated 28-7-2000 in Special Civil Application No.6129/1990 and other cognate matters, the impugned orders and actions in these two petitions to the extent that the grants are withheld or refused on the ground of want of ownership of the land, are hereby set aside and the concerned authorities are directed to reconsider the cases of the petitioners in the light of the observations made in the said judgement and pass fresh orders within two months from the date of the receipt of the writ of this order in accordance with law. It will be open for the petitioners to make representations in their respective cases as stated by the Learned Counsel, within two weeks from today. If such representations are made, they will be duly considered before making any order. Rule is made absolute accordingly with no order as to costs, in each of these petitions.

18-8-2000 (R.K.Abichandani, J.)

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